

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LIFEWISE, INC.

Plaintiff,

v.

ZACHARY PARRISH

Defendant.

Case No.: 1:24-cv-00268-SLC

**DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS COMPLAINT**

Defendant Zachary Parrish respectfully requests that the Court take judicial notice of and/or consider under the doctrine of incorporation by reference Exhibits A and B to this Motion for Judicial Notice, listed below, submitted in support of Defendant's concurrently filed Motion to Dismiss for Failure to State a Claim.

Exhibit A is an archived copy of <http://parentsagainstlifewise.online>, the home page of the Parents Against Lifewise website, as it appeared on June 10, 2024. The copy of this webpage attached hereto as Exhibit A was captured on June 10, 2024 by the Wayback Machine, an archive of webpages created by Internet Archive, a non-profit digital library.¹ The archived copy of this page is publicly available at <https://web.archive.org/web/20240610154335/https://parentsagainstlifewise.online/> (last accessed August 25, 2024).

¹ Internet Archive. "About the Internet Archive, at <https://archive.org/about/> (last accessed Aug. 25, 2024).

Exhibit B is an archived copy of <https://parentsagainstlifewise.online/about/>, the “About” page of the Parents Against Lifewise website, which provides information about Parents Against LifeWise, including its mission and history. The copy of this webpage attached hereto as Exhibit B was captured on June 10, 2024 by the Wayback Machine. The archived copy of this page is publicly available at

<https://web.archive.org/web/20240610154353/https://parentsagainstlifewise.online/about/> (last accessed August 25, 2024).

Exhibits A and B are incorporated by reference into the Complaint. *See Venture Assocs. Corp. v. Zenith Data Sys. Corp.*, 987 F.2d 429, 431 (7th Cir. 1993) (“Documents that a defendant attaches to a motion to dismiss are considered part of the pleadings if they are referred to in the plaintiff’s complaint and are central to her claim.”) The Complaint repeatedly refers to the website, *see* Complaint (ECF No. 1) ¶¶ 7, 8, 21, 29, 32, 33, 35, 36, 38, 39, 41, 44, 45.

In the alternative, Exhibits A and B are subject to judicial notice under Federal Rule of Evidence 201. *See Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *Tobey v. Chibucos*, 890 F.3d 634, 648 (7th Cir. 2018). Courts may take judicial notice of authentic copies of the contents of documents repeatedly referenced in a complaint. *Tobey v. Chibucos*, 890 F.3d 634, 648 (7th Cir. 2018). “District courts have taken judicial notice of the contents of webpages available through the Wayback Machine ‘as facts that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’” *Valve Corp. v. Ironburg Inventions Ltd.*, 8 F.4th 1364, 1374–75 (Fed. Cir. 2021) (quoting *Erickson v. Neb. Mach. Co.*, No. 15-CV-01147-JD, 2015 WL 4089849, at *1 n.1 (N.D. Cal. July 6, 2015)).

WHEREFORE, Defendant respectfully asks this Court to take judicial notice of and consider Exhibits A and B when ruling on Defendant’s Motion to Dismiss.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th of August 2024, I caused the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which shall provide notification by email of such filing to all counsel of record.

William A. Ramsey

William A. Ramsey